

REMARKS

The Examiner appears to assert that the claimed "guide vane" lacks structural scope and is thus too broad. Regarding the amendment of claim 1 to recite the claimed "guide vane," the Examiner states "that is like saying I have a fuel distribution system in a car but would that be a carburetor, fuel injector, fuel injector overhead cams, an electronic system, computer controlled system." Applicants respectfully disagree with the Examiner.

Applicants are not required to limit the scope of the claimed invention to the structure disclosed in the specification, as long as the claim language provides "a clear-cut indication of the scope of subject matter embraced by the claim" and thus is not indefinite. *In re Swinehart*, 439 F.2d 210, 212-13 (CCPA 1971). In the Amendment dated May 16, 2008, Applicants amended claim 1 to recite "the restricting device comprising a guide vane ***projecting outwardly*** from a wall of the discharge outlet, the guide vane being ***configured to restrict a cross-section of the discharge outlet in a restrictive position***, the guide vane being ***resiliently movable to an open position*** in response to a flow of debris past the restricting device to restrict the cross-section of the discharge outlet to a lesser extent" (emphasis added). All these features provide sufficient structural limitations for the claimed guide vane. The claimed invention does not merely recite a "guide vane" without providing clear-cut indication of the scope of the invention. Rather, the claim recites the "guide vane" having a particular structure that particularly limits the scope of the invention, e.g., the projection of the guide vane, its configuration, its movability, etc. Therefore, the Examiner's assertion regarding the features of amended claim 1 is invalid.

Further, "a claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). The Examiner in fact does not indicate how the claimed "guide vane" would be anticipated by or obvious in view of the prior art and merely states that the "term without the structure is still


broad.” The Examiner also gives no weight to the recited features of the claim, e.g., “the guide vane being *resiliently movable to an open position* in response to a flow of debris past the restricting device,” as recited in claim 1 (emphasis added).

Accordingly, the Amendment dated May 16, 2008, should have been entered as it places the application in condition for allowance. However, in order to expedite the prosecution of this application, applicants have submitted a Request for Continued Examination with this filing to enter the Amendment dated May 16, 2008. The Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **424662010400**.

Dated: July 10, 2008

Respectfully submitted,

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